vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.413 OF 2006
IN
SUIT NO.2958 OF 1994

Shri Liyaqat Mohd. Saheb ... Plaintiff

V/s.

Shr Liyaqat Ali Karim Parkar &
Mrs.Zulekha Liyaqat Ali Parkar & Anr. ... Defendants

Ms.A.Castellino for Plaintiff Nos.1A,1C to 1F
Ms.Mamta Sadh for Defendant
Mr.A.Rathod for Applicant
Mr.Sanjay Jain with Yogesh Thakkar for Respondent Nos.1 and 2

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 1, 2006**

P.C.:

. The Chamber Summons has been taken out for transposing plaintiff No.1(b) as a party defendant and to add Respondent No.1 as the Defendant. According to the other Plaintiffs, Plaintiff No.1(b) is acting inimically to their interests. Paragraphs 14 and 16 of the affidavit filed to oppose the Chamber Summons are pointed out to submit that plaintiff No.1(b) wants to act alongwith the defendant on the basis of the development agreement dated 14.3.2006. This agreement is sought to be cancelled in the present suit. Therefore, obviously, in my view, the interests of Plaintiff No.1(b) are contrary to the interests of the other plaintiffs. As regards Respondent No.1, she is the daughter of the original Plaintiff & the wife of the

Defendant. She is a necessary party to the Suit.

2. The averments contained in the affidavit of Plaintiff No.1(b) i.e., Respondent No.2 herein make it obvious that the Respondents do not have interests which coincide with those of the plaintiffs and hence, the Chamber Summons is allowed in terms of prayer clause (a). Amendments to be carried out within a week from today.

3. The order of status quo granted earlier is continued for a period of two weeks from today.